

ASSEMBLY BILL

No. 274

Introduced by Assembly Member Portantino

February 12, 2009

An act to add Section 43501.2 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 274, as introduced, Portantino. Solid waste: landfills: closure plans.

(1) The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires the owner or operator of a solid waste landfill, among other things, to prepare an initial estimate of closure and postclosure maintenance costs and to submit to the regional water board, the local law enforcement agency, and the board, a plan for the closure of the solid waste landfill and a plan for the postclosure maintenance of the solid waste landfill. A violation of these provisions is a misdemeanor.

This bill would prohibit the owner or operator of a closed solid waste landfill that is subject to a closure or a postclosure maintenance plan from selling or offering for sale any portion of a closed waste management unit unless the intended purchaser provides evidence, to the satisfaction of the board, of his or her ability to meet the financial assurance requirements of the act. By creating a new crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 43501.2 is added to the Public Resources
- 2 Code, to read:
- 3 43501.2. The owner or operator of a closed solid waste landfill
- 4 that is subject to a closure or a postclosure maintenance plan may
- 5 not sell or offer for sale any portion of a closed waste management
- 6 unit unless the intended purchaser provides evidence, to the
- 7 satisfaction of the board, of his or her ability to meet the financial
- 8 assurance requirements of Article 4 of Chapter 2 (commencing
- 9 with Section 43600) of Part 4 of this division.
- 10 SEC. 2. No reimbursement is required by this act pursuant to
- 11 Section 6 of Article XIII B of the California Constitution because
- 12 the only costs that may be incurred by a local agency or school
- 13 district will be incurred because this act creates a new crime or
- 14 infraction, eliminates a crime or infraction, or changes the penalty
- 15 for a crime or infraction, within the meaning of Section 17556 of
- 16 the Government Code, or changes the definition of a crime within
- 17 the meaning of Section 6 of Article XIII B of the California
- 18 Constitution.